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FILED

APR 04 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) NO. 99-00156 PSG

Plaintiff,)

v.)

EDUARDO RAMIREZ-RINCON,)

Defendant.)

**GOVERNMENT'S REQUEST TO
DISMISS COMPLAINT; ~~PROPOSED~~
ORDER**

COMES NOW THE UNITED STATES OF AMERICA appearing through the undersigned Assistant United States Attorney and moves this Honorable Court for an order dismissing without prejudice the above-captioned complaint. The facts supporting this request are as follows:

On June 3, 1999, Defendant was charged in the above-captioned complaint. Defendant was not formally charged by indictment or information within the five-year statute of limitations period. As a result, further action in this case is time-barred under 18 U.S.C. §3282(a).

1 Accordingly, the government respectfully requests that the above-captioned case be
2 dismissed without prejudice.

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4 DATED: March 30, 2011

Respectfully submitted,

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6 MELINDA HAAG
United States Attorney

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8 /S/
SUZANNE M. DeBERRY
9 Special Assistant United States Attorney

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15 **ORDER**

16 Upon application of the United States, and good cause having been shown therefor,
17 **IT IS HEREBY ORDERED** that the above-captioned Complaint is DISMISSED
18 WITHOUT PREJUDICE.

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21 DATE: 4/4/2011

22 Paul S. Grewal
PAUL S. GREWAL
23 United States Magistrate Judge
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